



Office of the Attorney General

State of Texas

January 22, 1997

DAN MORALES

ATTORNEY GENERAL

Ms. Annette Jones
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR97-0120

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103206.

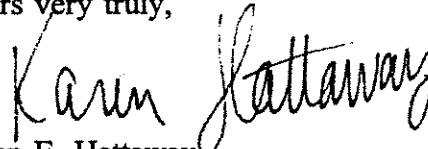
The City of Waco (the "city") received a request for information relating to case number 96-029206. The city has released the reports to the requestor with the exception of some highlighted information contained in the narrative section of the offense report. You contend that this information is excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We note that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. The city has already released the front page offense report information to the requestor in accordance with *Houston Chronicle*. The highlighted information is not considered front page offense report information, and it is, therefore, excepted from disclosure pursuant to section 552.108. Thus, the city may withhold the highlighted information from disclosure or may choose to release all or part of the highlighted information that is not otherwise confidential by law. Gov't Code § 552.007.¹

¹As we resolve your request pursuant to section 552.108, we need not address your section 552.103 claim.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is fluid and cursive, with the first name "Karen" and last name "Hattaway" clearly distinguishable.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 103206

Enclosures: Submitted documents

cc: Mr. James Wingfield
3917 Trice
Waco, Texas 76707
(w/o enclosures)